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U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO
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CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Rosa Carolina Bermudez Moreno, Plaintiff
(Full Name)

CASE NO. 21-CV-995 SMV
(To be supplied by the Clerk)

v.
U.S. Department of Commerce
Gina M. Reimondo, Secretary Defendant(s)

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. § 1983

A. JURISDICTION

1) Rosa Carolina Bermudez Moreno, is a citizen of NM
(Plaintiff) (State)
who presently resides at 9308.12th St #1385 Alameda NM
(Mailing address or place of confinement)
88310 (Gero County) USA

2) Defendant U.S. Department of Commerce is a citizen of
(Name of first defendant)
Washington, District of Columbia, and is employed as
(City, State)
parent agency of the Census Bureau. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state law?
Yes ☒ No ☐ If your answer is "Yes", briefly explain:

- 3) Defendant Gina M. Raimondo, Secretary is a citizen of
 (Name of second defendant)
unknown, and is employed as
 (City, State)
Secretary Department of Commerce At the time the claim(s)
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒ No ☐ If your answer is "Yes", briefly explain: I dealt locally with the Los Brices Field Office and when matters were not addressed at all by them, things escalated and I dealt with the Dallas Regional Office. I am sorry, I don't know Ms. Raimondo but was required to name her with her title here for filing this action. (Use the back of this page to furnish the above information for additional defendants.) N/A

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.) N/A

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

As an Commentator for Los Brices Nurses Office, I was discriminated against because I am Jewish, although I informed them of my religious observances in advance. During the period of onboarding I was requested to provide a physician note as proof that I wore a head covering or either I had to remove it or not work after I was accepted. I was also consistently contacted and asked to work on the Sabbath and the High Priest of Shavut after informing I was to observe these dates and therefore had already marked myself off. I complained to the proper order of leadership to each supervisor and manager and instead they went unto retaliating against me for complaining. Since they were not doing any thing other than aggravating the situation and differential treatment, I requested the contact info for the Regional Office in Dallas, Texas not only they refused but told me I was not to reach out to Dallas unless and until I tell them what I was going to say. My work opportunity was taken back and my assignments retention dropped from 11 to 2. I was forced to resign and even after resigning they continued to call me on the Sabbath asking to return.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: Discrimination based on Jewish Religion.
 I have e-mails and text and phone records for the court to review which clearly support my statements. Also doctor's records, sworn statements and other records for all three counts in this cause of action.

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

01/2020 on the onboarding and job accepted then Las Cruces management requested I provide a physician letter to show I use religious freedom covering or I had to remove it or not go to start working for census.
 05/2020 Shanklin instructed me to mark myself "unable to work" for weekday when I was available after telling her I observe the Sabbath. Shanklin consistently contacted me to work on the Sabbath, and on the High Feast of Shavuot even when I asked not to be contacted on these religious observances and I had marked myself unavailable.
 Shanklin contacted me requesting a timecard for the Sabbath. Shanklin spoke about cheating the system the way she was doing by falsifying the amount of miles she was driving where she collected payment for 1,000 miles in a week as an enumerator by analyzing before hand which address was the farthest and claiming it was worked in such an order to maximize earnings even when that was not an actual fact.
 Shanklin also denied giving me the needed supplies to work in the field.
 B)(1) Count II: Harassment based on Jewish Religion.
 Both on the workplace and even after I was forced to resign.
 05/2020 Shanklin instructed me to travel on the Sabbath

- (2) Supporting Facts:
 05/2020 Shanklin instructed me to travel on the Sabbath and she declined my offer to meet on Monday although I was marked off for every Sabbath and had informed her I observe it.
 Shanklin called me again on the High Feast of Shavuot and left a voicemail mocking me laughing saying it was her job to call me.
 06/2020 after being forced to resign because of the harassment and the lack of action to provide me with relief from Las Cruces management in all levels of leadership, I was continually being contacted on the Sabbath day being asked to return to work and when I asked if something was in place to relieve that it wasn't.

C)(1) Count III: *Retaliation for complaining of being harassed.*

(2) Supporting Facts:

06/2020 from [unclear] I sought relief through higher managers to no avail. When I complained to McLean she treated me disrespectfully and argued up with Shanklin. Prior to that McLean and I had a good relationship and she had asked me to come clean her home which is a business I had and I agreed. Myr and Buckingham didn't provide any relief either, and instead refused to provide me with the contact info for the Dallas Regional Office which was next in line. I was not to call them unless I had with I told [unclear] what I would say. My assignments were instantly dropped from 11 to 2 as I was complaining of being harassed. [unclear] written testimony includes that it was known that Shanklin was taking our assignment to work herself. 06/2020 I was denied access to a copy of resignation letter an SF-8 form.

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

e) Approximate date of filing lawsuit: _____

f) Approximate date of disposition: _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

In 8 ways:
 1) Bensus Field Supervisor, Robert Dusinger, via text messages and verbally; he was very understanding provided his supervisor's contact information.
 2) Bensus Field Manager, Matthew Burr, (Dusinger's Supervisor), via email and verbally; he provided no relief and refused to provide the contact info. For the Dallas Regional Office. His first reply on 06/04/20 @ 7:54 am stated he will provide me with the requested info. but then at 8:54 on same day said no. Offered assistance but did not assist in any way.
 3) Bensus Field Supervisor, Ann Shooklin, main Harasser, via email but she didn't stop.
 4) Lead Bensus Field Manager, Teresa McClain, via email and verbally and she ganged up with Shooklin and retaliated against me for complaining.
 5) Area Bensus Office Manager, Brato Buckingham, via email and he called me but didn't let me talk; He brushed it off and persistently denied me access to Regional Office.
 6) Regional Office in Dallas Texas, Michael Awana, Buckingham's Supervisor, via phone and email; did not respond.
 7) E-REQUEST FOR RELIEF
 8) EEOC, then contacted me saying I was referred to them, via email and verbally, all was good until I mention I needed monetary compensation added to my claim then they denied it.
 9) I believe that I am entitled to the following relief:

- a) an apology.
- b) an established/confirmed way in which Defendant will provide the contact info for the Regional Office to each employee upon hiring.
- c) management shouldn't be allowed to retaliate for complaining.
- d) monetary compensation for the loss of income when I was forced to resign before that operation was over.
- e) monetary compensation for losing the opportunity of traveling to Albuquerque and other far away areas with a higher pay Supervisor.
- f) monetary compensation for the discrimination, harassment, stress, suffering and retaliation I was put through without a reason, and the amount of \$150,000 or what this court think is appropriate, just to ensure Defendant doesn't continue to violate people's rights.

Signature of Attorney (if any)

Signature of Petitioner

(915) 449-4971
 930 E. 12th St #1385
 Alamo, NM 88310

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Asheboro, N.C. on October 13th, 2021.
(Location) (Date)


(Signature)